

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AUSTIN SMITH, )  
v. ) Civil Action No.  
UMASS CORRECTIONAL HEALTH CARE, ) 14-12703-NMG  
et al., )  
Defendants. )  
)  
)

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**ORDER OF DISMISSAL**

**GORTON, J.**

Austin Smith was a named plaintiff in Stote v. UMass Correctional Health Care, C.A. No. 13-10267-NMG, a civil rights action filed by MCI Norfolk inmate John E. Stote in which he and over one hundred other prisoners claimed that medical care at MCI Norfolk was inadequate.

In an order dated June 25, 2014, the Court ordered that the claims of each plaintiff be severed and that a separate case be opened up for each individual plaintiff. See id. (D. 20). The order directed each plaintiff who wanted to prosecute his own claims to pay the \$400 filing fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs within sixty days and that the failure to pay the fee or seek leave to proceed without payment of the fee may result in dismissal of the individual action without prejudice. The Clerk mailed a copy of this order and the form Application to Smith in June 2014.

The sixty-day period has expired without any response from Smith. The documents the Clerk mailed to him were not returned as undeliverable. The Court therefore assumes that the plaintiff

received the documents previously sent to him and has chosen not to prosecute this action.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. No filing fee shall be assessed. This order is a final order of dismissal.

**So ordered.**

/s/ Nathaniel M. Gorton  
Nathaniel M. Gorton  
United States District Judge

Dated: 6/23/15